

# Agenda – Children, Young People and Education Committee

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Meeting Venue:	For further information contact:
Hybrid – Committee room 1&2 Senedd and video Conference via Zoom	Naomi Stocks Committee Clerk
Meeting date: 7 June 2023	0300 200 6565
Meeting time: 09.15	<a href="mailto:SeneddChildren@senedd.wales">SeneddChildren@senedd.wales</a>

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## Private pre-meeting

(09.00 – 09.15)

### 1 Introductions, apologies, substitutions and declarations of interest

(09.15)

### 2 Do disabled children and young people have equal access to education and childcare? – evidence session 3

(09.15 – 10.05)

(Pages 1 – 21)

Miranda Evans, Policy and Programmes Manager, Disability Wales

Kat Watkins, UNCRDP Development Officer, Disability Wales

Megan Thomas, Policy and Research Officer, Disability Wales

Attached Documents:

Research Brief

### 3 Do disabled children and young people have equal access to education and childcare? – evidence session 4

(10.10 – 11.00)

(Pages 22 – 24)



Zoe Richards, Chief Executive Officer, Learning Disability Wales  
Adele Rose Morgan, Inclusive education campaigner, Learning Disability  
Wales  
Georgia Miggins, Youth Parliament Member

Attached Documents:

Learning Disability Wales – CYPE(6)–17–23– Paper 1

## **Break**

(11.00 – 11.10)

## **4 Do disabled children and young people have equal access to education and childcare? – evidence session 5**

(11.10 – 12.00)

(Pages 25 – 33)

Karen McFarlane, Policy Officer: Poverty and Vulnerable Children, Children in  
Wales and Chair of TSANA

Francesca Wright, Assistant Chief Officer, Snap Cymru

Cath Lewis, Policy and Campaigns Manager, Guide Dogs Cymru

Chris Haines, External Affairs Manager, National Autistic Society

George Baldwin, Policy and Campaigns Officer for Wales, National Deaf  
Children's Society

Gwen Anslow, All Wales Forum

Attached Documents:

TSANA – CYPE(6)–17–23– Paper 2

## **5 Papers to note**

(12.00)

### **5.1 Legislative Consent: Illegal Migration Bill**

(Pages 34 – 38)

Attached Documents:

Joint letter from the Chair of the Children, Young People and Education Committee and the Chair of the Equality and Social Justice Committee to Stakeholders – CYPE(6)-17-23- Paper to note 1

### **5.2 Legislative Consent: Illegal Migration Bill**

(Pages 39 – 40)

Attached Documents:

Joint letter from the Chair of the Children, Young People and Education Committee and the Chair of the Equality and Social Justice Committee to the Minister for Social Justice and Chief Whip and the Deputy Minister for Social Services – CYPE(6)-17-23- Paper to note 2

### **5.3 Mental Health support in Higher Education**

(Pages 41 – 43)

Attached Documents:

Letter from the Deputy Minister for Mental Health and Wellbeing – CYPE(6)-17-23- Paper to note 3

### **5.4 Forward work programme**

(Pages 44 – 45)

Attached Documents:

Letter from Beat, Eating Disorders – CYPE(6)-17-23 – Paper to note 4

## **5.5 Welsh Government Draft Budget 2023–24**

(Pages 46 – 48)

Attached Documents:

Letter to the Chair of the Finance Committee – CYPE(6)–17–23 – Paper to note 5

## **5.6 Mental Health support in Higher Education**

(Pages 49 – 72)

Attached Documents:

Welsh Government’s response to the Committee’s report on Mental Health support in Higher Education – CYPE(6)–17–23 – Paper to note – 6

## **6 Motion under Standing Order 17.42(ix) to resolve to exclude the public from the remainder of this meeting**

(12.00)

## **7 Do disabled children and young people have equal access to education and childcare? – consideration of the evidence**

(12.00 – 12.10)

## **8 Pre- appointment hearing of the Chief Executive for the Commission for Tertiary Education and Research – consideration of the draft report**

(12.10 – 12.20)

(Pages 73 – 90)

Attached Documents:

Draft Report – CYPE(6)–17–23 – Private paper

Document is Restricted

# Agenda Item 3

## CYPE(6)-17-23- Paper1



### **Do disabled children and young people have equal access to education and childcare?**

Written submission by Learning Disability Wales (LDW)

Learning Disability Wales is an all-Wales membership organisation supporting organisations that work with people who have a learning disability. We are also a member of TSANA group who will be giving evidence. [www.ldw.org.uk](http://www.ldw.org.uk)

In this paper we have given several examples of bad practice however we acknowledge that there is also great practice around Wales.

In our submission we will cover 3 topics. We have talked with other organisations providing evidence and have chosen these areas of concern in order not to duplicate.

#### **Definition of 'inclusive education'**

In Wales there are many different understandings of the term 'inclusive education'. We have a range of provision for children and young people who have a learning disability and/or are neurodivergent. From special schools, nurseries, inclusion units, mainstream with support, mainstream without support, residential, home schooling, pupil referral units etc. Many settings will report their 'inclusive approach' to education but we do not have an agreed universal definition of what that is.

Learning Disability Wales believes that with the right support children should be able to attend their local school, but we recognise that this is not achievable and safe for many disabled children until there has been mass reform in how we think about and provide education for all children in Wales.

It is also true that we have seen a year-on-year rise in the number of children attending special schools and a decline in disabled children attending mainstream schools. The EHRC reported on this regression in their report in 2021: <https://humanrightstracker.com/en/progress-assessment/inclusive-education-welsh-government-assessment/>

We are also aware that a very high proportion of the children who have been subject to school exclusions in Wales are children who have additional learning needs, particularly those in special schools. EHRC report 2021: <https://humanrightstracker.com/en/progress-assessment/school-exclusions-and-managing-challenging-behaviour-welsh-government-assessment-2/>

LDW currently leads on an employment programme for young people with a learning disability and/or autism age 16-25. In order to do this, the [Engage to Change](#) project works closely with employers throughout Wales. Many of those employers will not have had direct contact with young disabled people within their own educational experience and many hold negative and/or stereotypical views about a disabled person's ability to be employed. This is a direct consequence of not having inclusive education in Wales.

### **Unconscious bias, 'othering' and ableism that exist within the educational community**

One of the fundamental features of mainstream schools and provision in Wales is the emphasis that is placed on academic achievement. This emphasis is built on what is perceived as beneficial for the majority of children and those without additional learning needs. We measure success on GCSE outcomes with a standardisation of 5 grade Cs and above being the marker for achievement. Most children with a learning disability will never take a GCSE or will take at most 1 or 2. They will therefore leave the education system with no marker against their achievements. We are measuring children who have a learning disability on their ability to academically achieve - one of the things they find most challenging. The system will argue that by not entering these children into GCSEs they are not held against that marker. However, they then become insignificant when schools are measured in that way and planning and design focuses solely on those taking GCSEs (or equivalent qualifications).

We regularly hear about the challenges teachers face in being able to be dynamic enough in their planning and teaching to support 30 children in a class with very differing needs. We introduce additional support but we never look at reducing the class numbers to ensure there are inclusive teaching environments.

There are many examples of 'othering' children who have a learning disability. There is a huge lack of understanding about children who have a learning disability and/or are neurodivergent. In order to challenge this, we have to make significant changes. Some of the enquiries we have had in the last month include the following:

Case 1 - A child who is currently being assessed for having a learning disability being told off in class for having a loud voice. When the learning assistant told off the child, the child placed their fingers in their ears as they feel anxious about disappointing people. They were then given detention for

putting their fingers in their ears. This child is regularly bullied by other children for using methods to manage their anxiety such as stimming. Previously they have been advised by a teacher not to use ear defenders as it will make the other children want to bully them more. We need to educate school staff and children on why someone may stim or use other self-regulating methods and reduce the stigma around these.

Case 2 – A child without any ALN was chatting to their friend just before a test. The teacher told the other child that they hoped they were not expecting answers from child A as they would be in trouble relying on them. This adds to the stigma around being not as academic as your peers and ensures that children with a learning disability are further marginalised.

There is often a tendency in schools towards recognising that children have ALN and then putting in support designed to retrain behaviours that may be viewed as character or personality flaws when they are in fact characteristics of a child's diagnosis.

Use of words that are commonplace in society: Rise in use of words like dunce, retard, idiot, mong, spaz, moron or 'special'. These words are not challenged.

### **Reducing restrictive practices in schools and settings**

In 2021 the EHRC reported that Welsh Government had made no progress in this area. Children with ALN continue to be disproportionately likely to be excluded from schools and 'special schools' have the highest rate of fixed-term exclusions of all types of school. Also, WG has still not responded to the EHRC's recommendation to place a legal duty on schools to record the use of restraint within schools: [Inclusive education – Welsh Government assessment | Human Rights Tracker](#)

We now have a [framework in Wales for reducing restrictive practice](#) that can be applied to work in schools. We are seeing more and more young people with a learning disability and/or neurodivergence entering mental health units on becoming adults as behaviours that challenge have not been supported well in schools and have resulted in exclusions.

We currently have young Welsh people who have been sectioned and are in mental health hospitals because they have a learning disability and/or autism and local authorities do not have the right support systems in place. These crises rarely develop overnight and with good support throughout school life and early years these can potentially be avoided.



## CYPE(6)-17-23- Paper 2



Cynghrair Anghenion  
Ychwanegol y Trydydd Sector  
Third Sector Additional  
Needs Alliance

TSANA is facilitated by  
Hwylusir TSANA gan



## Evidence to the Children, Young People and Education Committee:

### Education access for disabled children and young people inquiry

#### About TSANA

The Third Sector Additional Needs Alliance (TSANA) is a coalition of third sector organisations working with, supporting and representing a broad range of children and young people who have additional learning needs and disabilities. The Alliance is chaired and facilitated by Children in Wales.

TSANA works to improve the educational and training outcomes and opportunities for children and young people with additional learning needs and disabilities in Wales, ensuring they are valued, empowered, respected and represented.

- To promote the United Nations Convention on the Rights of the Child, particularly in regard to children and young people with additional learning needs and disabilities.
- To promote the United Nations Convention on the Rights of Persons of Disabilities
- To increase public and professional understanding of additional learning needs and disabilities in Wales
- To ensure local and national Government respect, reflect and address the needs of children and young people with additional learning needs and disabilities
- To provide a forum to support policy development in Wales
- To provide a united voice on key issues regarding statutory systems in Wales
- To promote partnership working across third sector organisations who work to support and represent children and young people with additional learning needs and disabilities

The evidence below has been provided by the following TSANA member organisations:

[All Wales Forum](#)

[Guide Dogs Cymru](#) in collaboration with [RNIB](#)

[National Autistic Society](#)

[National Deaf Children's Society](#)

[Natspec](#)

[Snap Cymru](#)

# All Wales Forum of Parents & Carers of People with Learning Disabilities (AWF)

## Quotes from parent carers of children and young adults with learning disabilities

“I’ve fought for two schools to be fully adapted here, one primary school and one high school and now they are finally going to do the field out a path going down and a classroom on the field so children can take part in activities like nature walks. Also planning just emailed me and looking like they’ve agreed with doing a race track that disabled children can use ready for sports day as last year it was so upsetting seeing my child struggle and also another little boy who uses a wheelchair and one with a frame (one child got stuck in the mud)...when my oldest was in school, sports days was often cancelled because of this....planning have said they’ll give me information on the racetrack situation asap....proves it can be done”

### **Bridgend**

“The pandemic created a situation where my child went from being in a mainstream school to being isolated in a mainstream school. The staff were encouraging my child to have lunch and break times on their own in a ‘special area’ rather than being included with other students. I could appreciate the caution, but it’s ended up isolating them and also it’s difficult to explain to a child why it would be better for them to interact with other children when they have the option to be in a room and access games etc.”

### **Swansea**

“I’ve always had to homeschool my child. The schools around where we live wouldn’t take them and the nearest school was so far away logistically it wouldn’t make sense, we would have spent all day travelling back and forth and with my child’s disabilities, that wouldn’t be possible.”

### **Ceredigion**

“Because of the pandemic, the school transport was suspended, which means we had to take our child to school, which we could do whilst we were working from home, but the transport service didn’t start again, even after lockdown was lifted and schools had reopened and were back to normal, until we threatened judicial review. It shouldn’t be like this; my child has a right to access school.”

### **West Wales**

#### Case study

Mother carer to an autistic young person living with cerebral palsy. Mom tells us that when the young adult was in high school, at times when staff could not cope with the young person’s needs, they would leave them without support, even to physically move around the school, or would ask other pupils to support the young adult travel from one place to another. Mom also reported that the school would leave the young autistic adult alone when they were having an intense response to an overwhelming situation, also commonly known as a ‘meltdown’.

Approximately a year later (2020), the young adult was diagnosed with cancer which started a two-year journey to fight, and thankfully overcome the cancer. This fight has unfortunately aggravated the cerebral palsy symptoms and the developed anxiety has caused further complications with their autism.

Upon returning to education, the school could not cope with the young adult’s needs and again they were left alone without support, especially with the excuse of it be a Covid-19 prevention measure. Mom asked the Local Authority for a statutory assessment of the young adult’s educational needs so they could move to a school that could better support their needs. The statutory assessment was refused.

As of the end of 2022, the young adult was at home because the catchment school is not suitable for their needs and the local council will not pay for them to travel to the new school until they have been through the statementing process which is being refused by the Local Authority. Mom is appealing the statement, but this will take time which means that in the meantime, the young adult is stuck at home and not getting their education, one of their human rights and hasn’t been receiving a standard education ever since they joined high school in 2019 due to lack of support towards their needs.

### **Powys**

## Guide Dogs Cymru in collaboration with RNIB

In Wales there are 1,663 children and young people (CYP) with vision impairment (VI) known to local authorities in Wales. They have the same rights to thrive in education and beyond, as their sighted peers. Many schools lack the specialist skills needed to support a child with a visual impairment so provide universal support only. 80% of learning is through vision, and the lack of specialist support means that there is a significant attainment gap between CYP with VI and their sighted peers.

At Key Stage 4, GCSE results show a gap of greater than 26% for pupils achieving Level 2 (equivalent to 5 A\* to C) including English/Welsh and maths, which needs to be addressed. If CYP with a VI are supported by a specially trained teaching assistant (TA) who is overseen by a Qualified teacher of the Visually Impaired (QTVI), a child can achieve their full potential. This specialist provision must be noted in the child's Individual Development Plan. Guide Dogs are concerned that research from RNIB's FOI request in 2023, shows that 12 local authorities in Wales have no QTVI and the ratio of QTVI to child ranges from 1:13 to 1:85.

Acquiring digital skills is particularly important for a child with VI. They must be taught by a specialist teacher who understands how to engage with the technology. This requires a good understanding of the different types of access technology (as children with VI may not be able to use a mouse, and others will require screen magnifying software). A parent of a child with VI told us she wanted her son to use technology which mirrored the classroom whiteboard. Initially the local authority didn't allow this, citing security. An alternative method was found which gave him the same classroom experience as his peers – but this is not always the case.

CYP with VI have lower wellbeing and poorer mental health than their fully sighted peers. Secondary analysis of the Millennium Cohort by RNIB found that at age 17, CYP with VI were five times more likely to 'feel depressed all or most of the time'.

The ALN and Education Tribunal (Wales) Act includes early years. Intervention from qualified habilitation specialists is vital for the child to thrive in education and beyond. We are concerned that the FOI report found the percentage of children and young people on VI service active caseloads who are accessing habilitation support from within education, ranges from below 9% to 48% while waiting times for habilitation support vary from 1 week to 12 months. This inconsistency must stop.

The Curriculum Framework for Children and Young People with Vision Impairment (CFVI) accessible via this [link](#), has been developed to support children and young people with vision impairment access an appropriate and equitable education. Stakeholders from Wales contributed to its development and Guide Dogs and RNIB believe it presents an approach for addressing many of the issues we have highlighted. We ask that the CFVI is:-

- Endorsed by the Welsh Government and recognised and referenced in Additional Learning Needs policies.
- Embedded in local authority service commissioning and delivery frameworks.
- Followed by all educational settings supporting children and young people with vision impairment and their families, in partnership with VI specialists.
- Embedded within quality standards and professional training for teachers of children with vision impairment and habilitation specialists in Wales
- Resourced via adequate centralised funding for local authorities so they can support their local VI populations.

The CFVI shares the ambition of the ALN system to support all learners to reach their potential and provides the evidence base on how this can be achieved for CYP with VI. One child who has a positive experience of education is Nell Sutton, who features in the Guide Dog TV advertisements. Further details of her story can be accessed via this [link](#). Nell's experience contrasts to Ryder who is 8. His mother Kirsty said "There is no specialist support at all for Ryder in school. He was being taught braille but that stopped a while ago. He got a magnifier from the local Optician, and that's all, he just has to manage. We do what we can to help but we have no experience of visual impairment. He is well behind in his school work and my husband and I are very concerned. Ryder has had mobility support from Guide Dogs out of school and that's gone very well, if we lived two miles away in Caerphilly, he would get support from the SENCOM service – that's so unfair, why should he suffer because he is vision impaired and just doesn't live in the right local authority"

These inequities in education provision and support available for CYP with VI must not continue.

## National Autistic Society

The [National Autistic Society](#) is the UK's leading charity for autistic people. We aim to transform lives, change attitudes and create a society that works for autistic people.

We welcome the opportunity to contribute to this important inquiry. Unfortunately, anecdotal evidence and qualitative data indicate that autistic children and young people often do not have equal access to education nor childcare. Our charity is deeply concerned about the findings of research conducted Swansea University's School of Education into the education experiences of autistic pupils.

### The study found that:

- 76% of autistic pupils said they have been a victim of bullying in school
- 28% of pupils said they do not feel safe in school
- 43% of autistic pupils said they were unhappy in school
- 77% told the study that school makes them feel anxious or worried
- 59% of pupils said they feel excluded at school

### Pressures

Autistic children and young people can often face additional pressures. They may:

- struggle with the environment due to loud noises, strong smells or bright lights
- experience anxiety in social situations or find it hard to make friends
- get in trouble for unintentionally being rude or inappropriate
- find unstructured times such as lunch breaks hard
- struggle to cope with the demands of the school timetable or curriculum
- find transitions such as moving classrooms or school difficult
- take things literally or misunderstand a teacher's instructions
- find crowded assemblies or school transport too much
- become so overwhelmed they experience a 'meltdown' or 'shut down'

### Understanding

Autistic children and young people tell us school would be better if staff understood autism. However, research shows only 28% feel their teachers understand autism.

Better understanding of autism would improve learning experiences, lower incidents of bullying at school and boost employment prospects.

All teachers will work with autistic pupils during their career – yet many aren't given training to understand their autistic pupils' needs, or what they can do to help.

### Attendance

Some autistic children find the demands of the environment unbearable, leading to absence or 'school refusal'. It's a term some feel unfairly implies the child or young person has a choice, when they may be willing but unable to tolerate school.

Autistic children and young people are vulnerable to being excluded. Nearly a quarter of parents say their child has faced exclusion through isolation or externally through fixed-term or permanent exclusions.

### Home education

Parents often tell us that they feel like they've been left with no choice but to home school due to a lack of support when they would rather their child was educated alongside their peers to develop the skills they will need to navigate the world. We are concerned by anecdotal evidence of parents feeling pressured into 'off-rolling' in the interests of the school rather than the child's best interests.

### Childcare

Our charity is concerned about the lack of suitable childcare provision. Even where specialist private provision exists, the financial cost can be a significant barrier. Families tell us they feel discriminated against in accessing free childcare because mainstream public-run nurseries often do not cater to their child.

### Learner travel

Autistic learners and their families tell us transport can be a significant barrier to accessing education. We are concerned that older autistic pupils, who often attend further education beyond age 19, are not currently being served by legislation.

The availability of transport varies widely – some local authorities include colleges and sixth forms in post-16 provision on a discretionary basis while others don't. We believe post-16 travel should be brought into the scope of the Learner Travel Measure to ensure it better aligns with the Additional Learning Needs Act.

### National Deaf Children's Society

- Deaf children face inequitable service offers across local services in Wales. Deaf children and their families in different parts of Wales can receive different levels of provision, and an unequal access to education services compared to their hearing peers.
- A Rights based approach to British Sign Language in Wales is needed, with specific reference to Articles 2, 18 (2), 23, 30 and 31 of the United Nation Convention on the Rights of the Child (UNCRC).

Deaf children do not have an equal access to education and childcare compared to their hearing peers. Deaf children and their families have a right to access sufficient provision of services and British Sign Language (BSL) in the early years.

For example, deaf children need access to communication, language, services, health provision, audiology services, hearing aids, cochlear implants and Teachers of the Deaf.

	<b>Deaf children face inequitable provision across local services in Wales</b>	<b>A Rights based approach to British/Family Sign Language in Wales</b>
<b>Education access for deaf children and young people</b>	<p>Increase the number of Teachers of the Deaf in Wales to reverse the decline – Teachers of the Deaf are expected to cover for gaps in the workforce.</p> <p>Implementation of ALN reforms is inconsistent – we need to move away from a deficit model and towards an enabling model.</p> <p>Workforce differences across the Deaf education services in Wales.</p> <p>Training and upskilling the workforce around deaf awareness and reasonable adjustments, under the Equality Act 2010.</p> <p>Deaf children and young people can be more vulnerable to experiencing difficulties with emotional wellbeing and mental health.</p> <p>Deaf children face limited access to childcare, pre-/post school activities and holiday care often because the provision is not deaf friendly, staff are not aware of how to use equipment or the right communication adjustments have not been put into place. For example, are Flying Start Leads engaged with and</p>	<p>Deaf children should have a right under the UNCRC to access BSL education (Articles 18 (2), 23, 30 and 31). Deaf children do not currently receive this right particularly in the early years. Refer to Family Sign Language stats.</p> <p>80% of services neither provide, fund or commission any courses in sign language to families. Deaf children are not receiving this right.</p> <p>We want to see an awareness by commissioners of the rights of deaf children under the UNCRC (in line with Article 2).</p> <p>Pressure from Government and other bodies for services to meet this right.</p> <p>The number of qualified BSL tutors in a local authority area.</p>

	<p>meeting the needs of deaf children and their families?</p> <p>Service offer to deaf children should be needs led not service led. For example, for settings to meet the needs of deaf children it is essential families, settings and schools have clear diagnosis and an Individual Development Plan in order to drive the supply chain on what is needed locally.</p>	
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## Natspec

We are concerned that equal access to post-16 education and training for young people with complex ALN is threatened by ALN reform.

This is because Chapter 17 of the ALN Code is unclear about what further education means for a young person with complex ALN leaving special school and also because funding arrangements for learners whose additional learning provision is a specialist FE college will move away from the Welsh Government support for learners division to local authority control.

We believe that the changes in funding arrangements will result in some young people not having the FE opportunities they would previously have done. This scenario is made more problematic for learners requiring joint funding from education, social care and/or health budgets at the time they may be moving from Childrens' to Adult services and seeking placements at specialist colleges.

Most young people with complex ALN stay in school until they are 19 years old and to date under the SEND system, Welsh Government have used what they have called discretionary powers, to ensure these school leavers can access further education and training whether that is at a mainstream FEI or a specialist FE college.

In the new system, the Additional Learning Needs (ALN) code states a two-year entitlement to education and training, but it is unclear if this is a post-16 or a post-school entitlement. Furthermore, for learners with complex ALN, local authority officials will be required to assess a 'reasonable need' for education and training and there is no expectation that the discretionary powers are maintained to ensure all learners regardless of the challenges they face can continue to have equitable access to post school further education and training.

We are concerned that parity of opportunity for young people with complex ALN to access further education is being put at risk and that this is of particular concern for young people with low incidence and complex ALN whose needs cannot be met by a FEI.

We are further concerned that uncertainty over how or if local authorities work with Careers Wales will jeopardise timely transition planning and access to sufficient and timely impartial information and guidance on post-16 options.

We are already aware that the ambiguous criteria in the Code (17.75) is being interpreted differently by stakeholders and have called for Welsh Government to provide clarifications and guidance. We don't believe it is acceptable for learners with complex ALN to face barriers to FE compared to their less disabled peers and it is not acceptable to wait for the code to be tested by Tribunals and their associated costs, and stress on young people and their families.

## Snap Cymru

Family, Children and Young Peoples Charity SNAP Cymru, comes with a unique perspective, and is Wales' leading ally for Parents and carers who have CYP with ALN, Neurodivergence and disabilities. Working throughout Wales from SNAP Cymru offices, drop in centres, surgeries and by providing families with home visits when needed, we work

holistically with families in an empowerment model, providing accurate information, objective advice and direct independent professional specialist casework, Avoidance of Disagreement, Disagreement Resolution, Disability discrimination in education, formal mediation, advocacy, support and training for a range of issues.

We also help with complaints to School, Further Education Institutes FEI or LA. PSOW, Health and Social Care, Welsh Language Commissioner, Children's Commissioner for Wales, Administrative Court for judicial review. Working with families and partner statutory and voluntary sector agencies in partnership, we develop and provide services designed to meet the needs of the 'whole family' with an emphasis on prevention and protection to reduce the need for formal action. We have been doing this for nearly 40 years and bring a wealth of experience, along with the Legal Aid Agency's Specialist Quality Mark for Education Advice.

### **Exclusion and Discrimination**

Last year from April 1<sup>st</sup>, 2022, to March 31<sup>st</sup>, 2023, we worked with nearly 6,000 cases, supporting families to resolve over 8,000 matters. From these matters:

- Over 600 children and young people have been excluded (or were at risk of exclusion) from aspects of education due to their ALN, disability or neurodivergence (SNAP Cymru data 2022/2023 – all cases where the main matter was exclusion).
- Nearly 1,200 families and children feel that they have been affected by direct, indirect or discrimination arising from ALN, disability or neurodivergence (SNAP Cymru data 2022/2023 – all cases).

Families come with a range of issues, and many have barriers to accessing education due to their ALN or disability. The case study described below is indicative of the issues families face. It should be noted that many families do not realise that their child is being discriminated against, and in many instances inadvertently support school or setting, often to the detriment of the family who may not be able to pursue employment, education, or training as they are 'on call' as in this case where the children were both excluded and discriminated against:

### **Case Study**

**Client background:** Twins from Asian background where English was not preferred first language. Both children were under assessment looking at possible diagnosis of autism. Delays in diagnosis and pending delays in being seen by Consultants within the Health board delayed further information awaited from health confirming needs/diagnosis so school could offer support.

The twins remained on role of a mainstream nursery, but only allowed to attend for up to 1 – 1.5 hours a day. Unfortunately, this varied and often they could be in the setting for just 30 minutes before school were ringing parents to pick them up as setting said they could not manage their needs. This was not unusual and was happening on a regular basis.

The twins were not experiencing any educational opportunities and were not supported to socially engage with peers of the same age who were all attending setting full time. Parents felt they were treated less favourably, not only because of their difficulties but also because of language and cultural barriers. Parents explored returning to India to enable diagnosis as to them, the system seemed quicker in India and family were also aware of how it worked there. They had no idea about the process and understanding of how additional learning needs are met in Wales. It served to confuse and overwhelm them and they voiced they felt isolated, alone, and unable to understand how to move forward.

**What we did and how it made a difference: Presenting issues and rights explored:** SNAP Cymru caseworker supported parents in the first instance with Equality Act and reasonable adjustments. They considered language barriers and asked if an interpreter would be supportive and talked to family how we could overcome language barrier in the first instance to enable their understanding about how the ALN process works, and work with them to explore options to move forward.

Father identified that if communication was presented in emails in English, rather than verbal, this was something they could respond to as they could be supported by family members to compile responses and questions to promote their understanding. We also identified any face-to-face meetings could be supported by requesting an interpreter be available and family felt this would be good, however, communication via emails worked well enabling caseworkers to inform and empower family around Rights in line with meetings their children's needs.

Permission was gained from family to advocate their concerns and work closely with school to gather all information around twins needs. Caseworkers worked with Local Authority on behalf of family to explore avenues of support available to aid school to increase time in school and provide inclusive opportunities. Caseworkers requested professional reports to look at suitability of placement as parents felt the mainstream setting was not specialist enough to meet the twins' complex needs. Family asked if Local Authority would consider specialist placement whilst ongoing assessments via Health looking at possible diagnosis for autism continues.

Parents were included through adjustments made to support communication and felt they had a voice and being empowered and informed around process and ALN system. They were supported by SNAP Cymru to navigate and ask questions and have choices relayed to relieve their anxieties that their children's needs would be met, and they could finally attend a setting full time.

SNAP caseworkers advocated for family, gathering further evidence, presenting to Local authority, working closely with school to ensure evidence was gathered and shared, enabling Local Authority to take to panel to agree and explore specialist placement along with consideration for transport to and from provision.

SNAP Cymru caseworkers supported family to visit specialist settings once Local Authority suggested possible placements and supported family to ask questions to settings to ensure they were happy and felt included that they were making the right choice before accepting any placement offers (during visits SNAP arranged for an interpreter to come along to ensure possible language barriers were addressed). Family offered support to work closely with school and involvement of local community group to support language barriers with GEMS also able to provide direct support to school whilst working with twins.

**Options presented to family** - A specialist placement in Newport to support autism identified for twins who could start the following term with a supported enhanced transition plan, which involved existing mainstream setting providing one to one support to attend new specialist setting to build up familiarity and support the development of plans such as 1 page profile identifying twins needs and Additional Learning Provision (ALP) to meet their needs. Local Authority Individual Development Plan's (IDP) in process of being drafted with parents fully included in the process. Caseworkers identified local services to offer ongoing support to family which included Barnardo's family support, GEMS interpretation service and local parent groups and facilities within Serennau Centre, Newport led by health professionals to support family with further interventions and links to other families.

### **Outcomes**

- Twins accessing full time placements in specialist unit provisions in Newport local authority.
- Individual Development Plans identifying additional learning provision in place – these are legal documents ensuring needs met as twins move through educational process.
- Legal Documents and information translated into families first language if requested which empowered them to be fully involved and include.
- Language barriers overcome with support of both interpreter, preferred communication via email agreed and used, adjustments for family members to offer support.
- Involvement of other community services to support language barriers moving forward.
- Parents less anxious, feel happier their children included and access educational opportunities and making friends.
- Family empowered and informed around ALN process and Rights in line with access to education and know who to ask for help and support in the future if any further concerns arise via SNAP Cymru and they have links to all information around how best to support your child with ALN via SNAP resources, websites where documents can be translated into their preferred language if required.
- Health diagnosis of Autism given and confirmed and family accessing support from other agencies to support understanding of autism, parent groups.
- Referrals made by SNAP Cymru and supported by school to Barnardo's to provide ongoing family-based support.
- Communication, relationships, and trust has enhanced for family working with all professionals offering support for the twins.

### **Information and support**



Whether parents of disabled and neurodivergent children and the children themselves receive effective information and support from local authorities and schools. It is a challenging area. Information is available from a variety of sources. For example, SNAP Cymru provides a comprehensive range of accessible information which is independent, accurate and impartial. However, we are concerned that some information may not be accurate, or may be biased towards local practice rather than legislation and regulations.

We are pleased that most Local Authorities have continued to commission SNAP Cymru to provide Information, Advice and Support as per 6.10 of the ALN Code. However, Cardiff, Swansea and Pembrokeshire have their own arrangements. Where SNAP Cymru provides it, families have the full access to information, advice, and support, including specialist casework, disagreement resolution, support for discrimination, and advocacy. Working with 6,000 families and at capacity, we understand that this is a small proportion of families who have children with ALN and disabilities in Wales, so there is still an unmet need.

Local Authorities have a duty to provide information, and although the ALN Code sets out this duty in Chapter 6 SNAP Cymru believes that its instructions are not strong enough. For example, 6.8 says 'There are lots of ways in which local authorities can provide information and advice about its ALN services, including leaflets, posters, websites, face-to-face contact centres, and telephone helplines'.

It is fair to say that the availability of good quality information from some Local Authorities and schools is patchy, and without this availability some families will be at a disadvantage, and possibly Childrens Rights will be eroded.

At the recent from SEN to ALN events commissioned by Welsh Government and delivered by SNAP Cymru, families told us that they 'need much more clear information and support that in Independent'. In the final report, we found from feedback given to us by families, that access to information for parents and carers of children and young people with ALN is highly variable across Wales. However, some families reported feeling well informed and up to date about ALN processes in their area, which is very positive.

There is a huge concern from SNAP Cymru that unless families can access free quality assured independent information and advice, this will not support the aspiration of the new ALN Act that it will help to resolve disagreements at the earliest opportunity and enable parents/carers and young people to fully participate in the decisions being made about their children. Lack of information promotes a '*done too*' culture rather than a '*done with*'.

# Agenda Item 5.1

## CYPE(6)-17-23- Paper to note 1

**Senedd Cymru  
Welsh Parliament**

Children and Young People Committee

Equality and Social Justice Committee

To: See attached annexe

22 May 2023

Dear Colleague,

### UK Government's Illegal Migration Bill

As you may be aware, the UK Government's Illegal Migration Bill ("the Bill") was introduced to the UK Parliament on 7 March 2023. The Bill seeks to change the law regarding the detention and removal of those who arrive in the UK in breach of immigration control, either to their home country or a safe third country.



The Welsh Government laid a Legislative Consent Memorandum (LCM) setting out that clauses 19 and 20 of the Bill require consent from the Welsh Parliament. The LCM has been referred to several Senedd Committees and this letter is being issued jointly by the Children, Young People and Education Committee and the Equality and Social Justice Committee. As part of considering its response to the LCM, we would like to invite you to give written evidence regarding your views on the issue of legislative consent.

Please note that debates regarding the merits or otherwise of the legislation more broadly are not being considered by the Committee at this time, as they are not devolved matters. We kindly ask therefore for you to focus your comments on the specific provisions that require consent (i.e. clauses 19 and 20). Given the short timescales for the Committees' consideration we would also emphasise the need for brevity, more detail on how to respond is set out in the annex. In particular, we would be most interested to hear your views on the following:

- A very brief overview of your view of the Bill;





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 Cysylltu@senedd.cymru  
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Pack Page 34

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN

 Contact@senedd.wales  
 0300 200 6565

- Any concerns you may have in respect of the impact the Bill would have on: 'separated asylum seeking children in Wales, including whether you have any concerns about existing arrangements for these children;
- Any anticipated implications of the Bill on the assessment of needs and provision of care and support under the Social Services and Well-being (Wales) Act 2014; and
- Whether the Bill is compatible with the Rights of Children and Young Persons (Wales) Measure 2011, including what impact it would have on the 'Child First, Migration Second approach' which underpins the delivery of support to child asylum seekers in Wales.
- Any concerns you may have relating to the Bill and compatibility with Convention rights.

Time is very much of the essence in this matter and therefore the Committee asks that all written responses are received by no later than 1 June 2023.

Yours sincerely,

Jayne Bryant MS

Jenny Rathbone MS



Chair, Children and Young People Committee  
Welsh Parliament

Chair, Equality and Social Justice Committee  
Welsh Parliament



## Annexe 1

### How to share your views

Please email your response to both [seneddequality@senedd.wales](mailto:seneddequality@senedd.wales) and [seneddchildren@senedd.wales](mailto:seneddchildren@senedd.wales) by no later than Thursday 1 June 2023.

The Senedd has two official languages, Welsh and English. In line with the Senedd's Official Languages Scheme the Committee requests that documents or written responses to consultations intended for publication or use in Senedd proceedings are submitted bilingually. When documents or written responses are not submitted bilingually, we will publish in the language submitted, stating that it has been received in that language only. We expect other organisations to implement their own standards or schemes and to comply with their statutory obligation. Please see guidance for those [providing evidence for committees](#). Please ensure that you have considered the Senedd's policy on disclosure of information before submitting information to the Committee.



## Annex 2

### List of consultees

The Association of Directors of Social Services (ADSS) Cymru;

Barnados (Independent Child Trafficking Advocacy Service);

Bevan Foundation;

British Red Cross;

Care Inspectorate Wales

Children's Commissioner;

Children in Wales;

Ethnic Minorities and Youth Support Team Wales (EYST);

Equality and Human Rights Commission;

Haven of Light

National Youth Advocacy Service;

Wales Strategic Migration Unit;

Welsh Local Government Association;

Welsh Refugee Council; and

Women Connect First.

Voices from Care



## CYPE(6)-17-23- Paper to note 2

**Senedd Cymru**  
**Welsh Parliament**

Children and Young People Committee

Equality and Social Justice Committee

Minister for Social Justice and Chief Whip  
Deputy Minister for Social Services

22 May 2023

Dear Ministers,

### UK Government's Illegal Migration Bill

As you are aware, the UK Government's Illegal Migration Bill ("the Bill") was introduced to the UK Parliament on 7 March 2023. The Bill seeks to change the law regarding the detention and removal of those who arrive in the UK in breach of immigration control, either to their home country or a safe third country.



The Welsh Government laid a Legislative Consent Memorandum (LCM) setting out that clauses 19 and 20 of the Bill require consent from the Welsh Parliament. The LCM has been referred to several Senedd Committees and this letter is being issued jointly by Children, Young People and Education and the Equality and Social Justice Committee. As part of considering its response to the LCM, we would like to invite you to give written evidence regarding your views on the issue of legislative consent.

In particular, we would be most interested to hear your views on the following:



- An update on discussions with the UK Government, including details of any assurances the Welsh Government is seeking on the impact of the Bill on unaccompanied asylum seeker children.
- The Welsh Government's concerns in respect of the impact the Bill would have on separated asylum seeking children in Wales.



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- The anticipated implications of Bill on the assessment of needs and provision of care and support under the Social Services and Well-being (Wales) Act 2014.
- Whether the Bill is compatible with the Rights of Children and Young Persons (Wales) Measure 2011, including what impact it would have on the 'Child First, Migration Second approach' which underpins the delivery of support to child asylum seekers in Wales.
- The anticipated cost burdens which would be imposed on Welsh local authorities.
- Concerns relating to the Bill and compatibility with Convention rights.

Finally, are you able to confirm whether the post of Independent Anti-Slavery Commissioner is vacant at present and if so, the duration of the vacancy and when we can expect the post to be filled?

Time is very much of the essence in this matter and therefore the Committee asks that all written responses are received by no later than 1 June 2023.


Yours sincerely,

Jayne Bryant MS



Chair Children and Young People  
Committee  
Welsh Parliament

Jenny Rathbone MS



Chair, Equality and Social Justice Committee  
Welsh Parliament

Croesewir gohebiaeth yn Gymraeg neu Saesneg

We welcome correspondence in Welsh or English



## CYPE(6)-17-23- Paper to note 3

Lynne Neagle AS/MS  
Y Dirprwy Weinidog Iechyd Meddwl a Llesiant  
Deputy Minister for Mental Health and Wellbeing



Llywodraeth Cymru  
Welsh Government

Senedd Cymru  
Cardiff Bay  
Cardiff  
CF99 1SN  
[Seneddlechyd@senedd.cymru](mailto:Seneddlechyd@senedd.cymru)

23 May 2023

Dear Jayne,

Thank you for your letter dated 31 March regarding transitions between Child and Adolescent Mental Health Services and Adult Mental Health Services. I also note your report entitled Mental Health Support in Higher Education.

I will address each of the points raised in your letter in turn.

In terms of the cross-Government commitment to mental health, both our Programme for Government and the current 10-year mental health strategy, *Together for Mental Health*, set out our commitment to a cross-Government and cross-sector partnership approach to improve mental health and well-being. These policy commitments are also reflected in the Welsh Government's budget allocations which prioritise investment in mental health and wellbeing and this work led to an additional £50m extra for mental health in 22/23, £75m extra in 23/24 rising to £90m extra in 24/25. Our governance arrangements also reflect the cross-government approach with a number of cross-departmental groups including the Whole System Approach Delivery and Oversight Board, the Together for Mental Health Cross-Government Senior Officials Group and the Cross-Government Strategic Suicide Prevention Group.

In addition, officials have recently established cross-Government arrangements to support the implementation of our NYTH/NEST framework which is specifically designed to embed a whole system approach into policy, service design and delivery. The NYTH/NEST framework will feature as a guiding principle in our successor Mental Health Strategy for Wales to build on the good work which is already taking place.

During our session, I confirmed that the latest transitions guidance, which was published in February 2022, supersedes all previous related guidance. A link to this guidance and accompanying documents is provided below:

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Lynne.Neagle@llyw.cymru](mailto:Gohebiaeth.Lynne.Neagle@llyw.cymru)  
[Correspondence.Lynne.Neagle@gov.wales](mailto:Correspondence.Lynne.Neagle@gov.wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



In relation to strengthening mental health data. This is being taken forward in several areas and crucially as new services are established. For instance, the 111 press 2 service for urgent mental health includes the collection of a comprehensive range of data which includes a pre and post assessment of distress levels.

The mental health core dataset work continues to be taken through the Mental Health Data and Outcomes Measures Board which reports to the Together for Mental Health Ministerial Oversight Board. To further support this work a Technical Group has been set up and reports to the Mental Health Outcome and Measures Board. This group comprises of health board digital/performance leads and is focusing on the practicalities of collecting and sharing data.

It is recognised that establishing a full dataset is complex and we are prioritising specific data items at each stage to ensure that any data collected is robust and fit for purpose, with the initial focus being on referrals and admissions data. We will also be prioritising demographic data, such as age, gender and ethnicity which will support our ability to plan services based on the needs and demands of our population.

We understand the need to have data publicly available as soon as practicable and we are working to have an initial national dashboard on mental health activity available by September, we will then broaden this available data incrementally as the core dataset evolves. By December, we will also collect an agreed set of patient experience measures nationally.

As you note in your letter, and in response to the Welsh Government commissioned study into transitions services, between December 2022 and February 2023 Welsh Government officials held three 2 hour CAMHS to AMHS mental health transition workshops, to better understand the 'implementation gap' you refer to and identify ways to address it. The workshops provided some useful insights and areas for improvements, including a strengthened framework for monitoring implementation of the guidance and the replacement or redesign of the young person passport. The NHS Delivery Unit has developed a draft monitoring framework to help provide assurance on implementation of the guidance and the NHS Executive will be working with Health Education and Improvement Wales (HEIW) to develop training for health boards which will further aid implementation. In terms of the young person's passport, I and officials will be engaging with young people to review the Passport and explore opportunities for an enhanced product, including the potential to utilise the NHS Wales app which is currently under development.

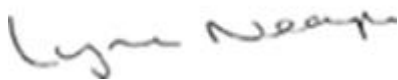
With regards the CAMHS review undertaken by the NHS Delivery Unit, all Health Boards have now received their individual reports and I have met with Vice-Chairs to re-affirm the importance of implementing the improvement plans. Whilst the National Thematic report is still being finalised I have had a briefing session with colleagues in the NHS Delivery Unit on the findings from the review. One of the key findings highlighted the rapid expansion and evolution of CAMHS services in recent years which has been informed by numerous reviews, reports, recommendations and policy publications.

In response I have commissioned the NHS Executive to work with Health Boards to develop a consolidated specification for CAMHS to provide clarity on the expectations of the service, bring forward a more consistent offer, an enhanced framework for performance monitoring and, most importantly, a more streamlined and effective service for children and young people. I will provide the Committee with an update on the specification in due course.

Finally, and in terms of our Eating Disorder services, I would draw the Committee's attention to the [Letter to Committee on Eating Disorder Services](#) provided in July. Focus remains on all health boards continuing to work towards meeting the NICE standards and there is a strong focus in the Welsh Health Specialist Services Strategy around eating disorder services, including the provision of a specialist eating disorder unit in Wales. Following successful recruitment to post our Clinical Lead will be working hard with the clinical network across Wales to ensure our Health Boards continue to work towards the NICE standards. We have also awarded BEAT, our third sector partner, a further year of funding towards their valuable Welsh eating disorder helpline and additional services. These services provide free advice and coaching telephone services for families and concerned friends. They also offer peer support to those living with an eating disorder and whilst awaiting NHS treatment, clinicians can refer their patients for more focussed support through BEAT. With the increased funding they are able to, with agreement from our Clinical Lead, expand their offer to include additional bespoke services for people living with an eating disorder.

Given the breadth of recommendations for mental health services made across a number of Committee reports, some of which are from inquiries that were undertaken several years ago, I would welcome a discussion with you about how we can use the development of the successor to Together for Mental Health to consolidate this work. This would ensure that any recommendations we are continuing to work on shape future actions, ahead of the public consultation on the strategy.

Yours sincerely



**Lynne Neagle AS/MS**

Y Dirprwy Weinidog Iechyd Meddwl a Llesiant  
Deputy Minister for Mental Health and Wellbeing

# Agenda Item 5.4

CYPE(6)-17-23- Paper to note 4

Jayne Bryant MS,  
Chair  
Children, Young People and Education Committee  
[Seneddchildren@senedd.wales](mailto:Seneddchildren@senedd.wales)

25<sup>th</sup> May 2023

Dear Jayne,

Thank you for meeting with my colleague Jonathan Kelly and I last year and for sharing the Deputy Minister for Mental Health and Wellbeing's letter updating the committee on eating disorder services in Wales.

As agreed, we have outlined our thoughts in relation to the Deputy Minister's response below and have highlighted several areas of concern. We would be grateful if the committee could consider our response and seek clarification from the Welsh Government in relation to our questions. I am sorry that we were unable to compile and send this to you sooner. Unfortunately, we continue to hold many of the same concerns detailed in our '[3 Years on](#)' report that we published in January 2022.

The Deputy Minister's letter referenced pre-pandemic investment that the Welsh Government provided to support health boards to improve eating disorder services and implement improvement plans informed by the 2018 Eating Disorder Service Review. Clinicians working in eating disorder services have told us that the investment provided pre-pandemic varied widely across Wales, due to some Health Boards being more engaged and inclined to see eating disorders as a priority. This approach has perpetuated the postcode lottery described by the 2018 Eating Disorder Service Review and evidenced in Beat's 3 Years On report. **Could the committee ask the Welsh Government how it will ensure that consistent early intervention and high-quality treatment and support are available in every part of Wales?**

The Deputy Minister's letter went on to note that eating disorder services were significantly impacted by the pandemic, experiencing "an increase in demand of over 20% in some areas". It is crucially important that the Government and the NHS are aware of the true scale of the impact that the pandemic has had on eating disorders in Wales. Although there are serious gaps in the data collected by health boards, Beat's '3 Years on' report presents evidence obtained via freedom of information requests and from the testimony of clinicians, showing that several areas experienced a far greater increase in demand than 20%. For example, eating disorder referrals to Cardiff and Vale UHB CAMHS more than doubled between 2019/20 to 2020/21. Nationally CAMHS inpatient admissions for under 18s with a primary diagnosis of an eating disorder increased by 60% from 2019/20 to 2020/21.

The Deputy Minister's response explained that routine reporting against mental health performance times does not currently disaggregate by condition (e.g. eating disorders). We welcome the Deputy Minister's commitment to improving reporting against the 4 week wait target, and we are pleased to read that the Welsh Government continues to request operational information from services to demonstrate progress towards reduced wait times in the interim. **Could the committee ask the Welsh Government to share the 'informal aggregated data' it referred to and confirm whether these figures are based on the waiting time for an assessment or the start of treatment? Could the committee also ask the Welsh Government to share its assessment of the quality of data collected on waiting times and the progress that it has made towards ensuring that waiting times are consistently measured in a way that makes sense to patients and clinicians?**

The letter from the Deputy Minister referenced the difficulties that Health Boards have experienced in recruiting into several specialist roles within the eating disorder services, and that they are continuing to review and consider alternative interim solutions to provide adequate services. **Could the committee ask the Welsh Government to outline the specialist roles that Health Boards are having difficulty in recruiting for, and what 'alternative interim solutions' they have been pursuing? Could the committee ask the Welsh Government to clarify whether this includes**

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**Looking for support?** Helpline: 0808 801 0677 [help@beateatingdisorders.org.uk](mailto:help@beateatingdisorders.org.uk)  
Pack Page 44 Youthline: 0808 801 0711 [fyp@beateatingdisorders.org.uk](mailto:fyp@beateatingdisorders.org.uk)

Beat (formerly Eating Disorders Association) is a registered charity in England and Wales (no 801343) and Scotland (SC039309). Company limited by guarantee no 2368495.

**making use of new roles within multidisciplinary teams and the use of non-clinical staff (potentially through partnership with the Voluntary sector)?**

We were pleased to read the Deputy Minister's commitment to "drive progress" for eating disorder services and of the additional recurrent investment of £2.5 million from 2022/23 to improve eating disorders services. However, we are concerned that there appears to be a lack of transparency around spending by Health Boards. **Could the Committee ask the Welsh Government :**

- Whether the Government has been able to quantify total spending on eating disorders by Health Boards in 2021/22, and 2022/23 to act as baselines for this new investment?
- How it will ensure that Health Boards spend this additional recurrent investment for eating disorders as intended, rather than displacing previous un-restricted funding?
- To forward copies of the letters it sent to Health Boards setting out the specifications for bids to access both the new eating disorders funding and Service Improvement Funding (SIF) in 2022/23 and 2023/24?

It was positive to see the Deputy Minister reference that a condition of the recurrent funding from the Welsh Government will be "to reset trajectories and milestones to achieve the 4 week waiting time and to meet the NICE guidance". **Could the Committee ask the Welsh Government to disclose the current trajectories and milestones for Health Boards to achieve the 4 week waiting time standard and to meet NICE guidance, and clarify why this information is not currently in the public domain?**

We were interested to note in the Deputy Minister's response that 90% of young people needing inpatient treatment for an eating disorder are being treated in Wales. **Could the committee ask the Welsh Government to provide an update on the equivalent figure for adult patients?**

The progress outlined by the Deputy Minister in Annex A was encouraging. However, a more detailed appraisal of progress would be useful. For example, in several places the summary refers to staff recruitment or an increase in the number of patients accessing treatment without detailing the numbers involved. **Could the committee ask the Welsh Government to provide a detailed appraisal of progress including full figures?**

The section for Hywel Dda UHB refers mainly to 'proposals' for change rather than progress. **Could the committee ask the Welsh Government whether this means that previous proposals to expand and improve service provision in that health board have not been funded?**

In January 2021 Powys THB had plans to develop an all-age eating disorder service. There is no mention of this in Annex A. **Could the committee ask the Welsh Government to provide an update on the progress made towards this?**

Thank you again for taking the time to meet with us and for your continued support in this area.

Yours sincerely,



Jo Whitfield  
National Lead, Wales

# Agenda Item 5.5

## CYPE(6)-17-23 - Paper to note 5

**Y Pwyllgor Plant, Pobl Ifanc  
ac Addysg**

**Children, Young People  
and Education Committee**

Peredur Owen Griffiths MS  
Chair of the Finance Committee

25 May 2023

Re. Scrutiny of the Draft Budget 2023-24: Evidence provided by the Welsh Government

Dear Peredur,

Thank you for your letter dated 8 March requesting our views on what improvements we would like to see in the Welsh Government's Draft Budget documentation and subsequent ministerial written evidence. We considered the letter during our meeting on 3 May. Please accept my apologies for the delay in responding.

Thank you for your ongoing efforts in leading the Senedd's scrutiny of the Welsh Government's Draft Budgets.

We scrutinise in detail Draft Budget documentation and written evidence across two different Welsh Government departments: those of the Minister for Education and Welsh Language and the Minister for Health and Social Services. We are therefore well-placed to offer views on the consistency of the written evidence across these Welsh Government departments.

I would like to preface the views of the Committee set out below by placing on record our thanks once again to the Ministers and to their officials for their ongoing support in relation to Draft Budget scrutiny. We ask for a very significant amount of detailed information in advance of Draft Budget scrutiny, at a very time-pressured period of the year. I am grateful for the efforts of everyone involved in preparing and approving that information.

As you will know, the Welsh Government has legislated to embed children's rights into its decision making process, which should include using the maximum extent of its available resources to implement the rights of children in Wales. The quality of and transparency within budget documentation is therefore critically important to our Committee's scrutiny of Welsh Government allocations in examining whether children and young people are getting their fair share.

**Senedd Cymru**

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In our [report on the 2023-24 Draft Budget](#), we conclude that:

*"... the written information that we received from the Minister of Health and Social Services and her deputies was not as clear, transparent or as detailed as we had hoped. The relative lack of detail in the written evidence was particularly notable given that the Minister for Health and Social Services, her deputies and officials provided considerably more detail to us during oral scrutiny. We regret that this additional information was not provided to us in the written evidence. Had it been, more time during our discussions could have been focused on substantive issues of policy, rather than on clarifying budgetary details."*

We made the following recommendation:

*"**Recommendation 2.** The Welsh Government should set up a cross-departmental working group to improve the quality and consistency of written evidence that it provides to Senedd Committees to support the Draft Budget scrutiny process, drawing on the good practice that already exists across governmental departments."*

The Welsh Government [accepted this recommendation in principle](#).

Reflecting on our experience of Draft Budget scrutiny on 3 May, we agreed that the written evidence provided to us by the Minister for Education and Welsh Language fully and comprehensively responded to our written request. This enabled us to focus our time during oral scrutiny on important policy matters. As our report sets out, we do not believe that this was the case for the evidence we received from the Minister for Health and Social Services. The evidence did not always respond clearly to our questions, and it did not always provide the level of detail that we needed to understand where the Welsh Government was making substantive changes to the funding of key public services from one year to the next, and why.

Therefore, the key improvement that we would like to see is that all Welsh Government departments respond to our written requests fully and comprehensively, using the level of detail in the written evidence submitted to us by the Minister for Education and Welsh Language as a model of good practice.

We acknowledge that we have a role to play in supporting the Welsh Government to prepare that written information by requesting information in a clear and timely manner. If you identify any improvements that we could make to our approach to requesting written evidence that would support Welsh Government officials and Ministers to prepare and approve the detailed and robust written evidence that we expect, we would be very willing to consider them.

Yours sincerely,

Jayne Bryant

Jayne Bryant MS  
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



# Agenda Item 5.6

## CYPE(6)-17-23 - Paper to note 6

### **Written Response by the Welsh Government to the report of Children, Young People and Education (CYPE) report on Mental Health in Higher Education**

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Ensuring students stay well during their time at university is of great importance to us to help them achieve their ambitions and get the most out of their university experience.

It's crucial we create an environment where learners feel safe to disclose a mental health condition so that appropriate support and services can be put in place to support them and help them to succeed and to get the most out of their time at university.

We commend the Higher Education Funding Council for Wales (HEFCW) for the work they have done in partnership with the sector to develop a strategic approach and embed health and well-being, including mental health and suicide-safer approaches, into their policies and practices.

Our institutions have also demonstrated a strong commitment, working with HEFCW, to improve the assistance and support available to staff and students. We've seen good progress by the HE sector, HEFCW, Universities Wales and NUS Wales, working together with leading health charities and other agencies, to make our HE environment a safer place for staff and students to work.

In light of the transition to the Commission for Tertiary Education and Research, it is important that further policy development in this area begins to take a wider tertiary education sector lens where possible. We are mindful in our response to the recommendations that the capacity to do this may be limited until the Commission becomes fully operational in 2024. We are also mindful that during the passage of the Tertiary Education and Research Act, the Committee stressed the importance of ensuring that the Commission operates at an arm's-length from Welsh Government. We therefore wish to avoid committing the Commission to specific policy initiatives prior to its establishment and will give it room to consider the Committee's report itself as part of its wider strategic considerations.

We would like to thank the members of the **Children, Young People and Education (CYPE)** Committee for their report on Mental Health in Higher Education. We are particularly pleased to see the Committee's recommendations are in line with our current and future plans, with many of them already being addressed by the sector.

Detailed responses to the report's individual recommendations are set out below.



## **Recommendation 1**

The committee recommends that:

The Welsh Government in conjunction with HEFCW and the incoming Commission should draw together a data set that they wish to collect from higher education providers that provides accurate and timely data on the extent of mental health issues within their student body; the demographics of those reporting mental health distress; the interventions that they are putting in place; and evaluation of the interventions. In drawing up this data set, robust assurances must be provided, and safeguards put in place to ensure that if the data does indicate issues in a particular institution, it will not have a negative impact, as long as the institution can demonstrate the actions they are taking to address any issues. It must be possible to disaggregate the data to understand the different patterns and trends for different groups, and whether any particular groups face additional challenges accessing support, and the barriers. This will help inform service planning and funding allocations, both in the education and healthcare sector. The Welsh Government and HEFCW should work together to identify the most appropriate way to publicly share these findings to support a greater understanding of student need for mental health support in higher education.

### **Response: Accept in part.**

This is a large, complex and long-term programme of work and it will be for the new Commission for Tertiary Education and Research to set out, consult on, and agree the data to be collected, its purposes, and how it will be used. The Commission will have statutory functions in relation to student welfare and well-being and will set out its expectations of institutions in order to discharge that duty.

This recommendation is accepted in part as follows. We accept that collecting data as described in the recommendation is valuable and should be an expectation of all institutions. We will work with HEFCW and in due course the Commission to ensure that is in place. Institutions already collect data for their own purposes, but this will be in different ways and using different systems. We do not accept that creating a database separate from that of the institutions is inherently more useful, though a reliable system-wide means of identifying the issues highlighted in the recommendation should be the goal and we will work with institutions to assess how that can be achieved.

Some data regarding student mental health is already publicly available, including from UCAS and HESA, but we accept the recommendation that the Welsh Government and HEFCW should work together to identify the most appropriate way to publicly share findings to support a greater understanding of student need for mental health support in higher education, to inform the approach of the Commission in this area in due course.

**Financial Implications** - To be determined by the Commission as part of its budget allocation.

## **Recommendation 2**

The committee recommends that:

The Welsh Government, HEFCW, the incoming Commission, higher education providers and student representatives need to work together to set a base level of provision for international students, taking into account the specific needs of the different groups which make up the international student community. This may involve the development of specific peer networks for groups of international students. This base level of provision should not be too prescriptive, as each provider will need to tailor their provision to meet the specific needs of their cohort, and takes account of their own institutional circumstances, but it should ensure that there is a clear minimum of support that all international students across Wales know they can access. This framework should be clearly publicised in ways that will reach the different parts of the international student community, from pre-application right through to postgraduation.

### **Response: Accept**

The Welsh Government has asked the sector to consider how they support international students and to share best practice.

HEFCW currently funds support for well-being and health in the sector, [including funding for mental health strategies](#) and suicide safer strategies with at least £2m a year (long-term funding) to support student services and all students, including international students. HEFCW has also provided additional funding for all students, including international students, including through additional [Welsh Government Covid support](#).

HEFCW works closely with the National Union of Students in Wales (NUS Wales) to enhance the voice of all students in regulation. HEFCW also liaises with students' unions to seek clarification on how the voice of all students (including international students) contributes to their work.

HEFCW plans to undertake further analysis of student data (e.g., progression, attainment etc) by domicile, and to use this information in its quality and institutional risk review processes.

**Financial Implications** – Costs will continue to be met from HEFCW's existing budget allocation.

### **Recommendation 3**

The committee recommends that:

For students on healthcare and social care courses, the Welsh Government, HEFCW, the incoming Commission, higher education providers, placement providers and student representatives need to identify the specific challenges and barriers they face, and then develop a base level of provision for these groups of students taking into account the specific needs of the different groups across these cohorts of students. This base level of provision should not be too prescriptive, as each provider will need to tailor their provision to meet the specific needs of their cohort, the courses they deliver, the types of Mental Health Support in Higher Education placement these courses run and takes account of their own institutional circumstances, but it should ensure that there is a clear minimum of support that all

students on these courses across Wales know they can access. This framework should be clearly publicised in ways that will reach the different groups of these students from pre-application through to graduation.

### **Response: Accept**

Health education and training commissioning is the responsibility of Health Education and Improvement Wales (HEIW). Student experience is one of their considerations when awarding contracts to higher education institutions, including the provision of well-being services and mental health support.

Student well-being is a key theme in the new education contracts for healthcare professionals, commissioned by HEIW, and adherence to student well-being support is part of their Performance and Quality Framework.

There are student well-being requirements embedded within the new contract, described as follows:

### **Student Well-being**

- 1.1 It is the Education Provider's responsibility to provide a comprehensive range of professionally delivered Student Well-being Services that incorporate, when appropriate, peer support. Services must be free, impartial, non-judgemental, and confidential.
- 1.2 Education Providers will provide Student support Services that are clearly marketed to students and accessible and must include:
  - 1.2.1 Advice and guidance for Students with disabilities and mental health difficulties
  - 1.2.2 Screening and support for Students who present as neurodivergent
  - 1.2.3 Counselling, well-being advice and support with a mechanism to address Students in crisis (appointments must be offered through face-to-face delivery at the student's nearest university base or in Placement, through telephone & online appointments, drop-in services, workshops and self-help resources)
  - 1.2.4 Specialist advice; including help with student finance, debt, housing, equality, diversity, and inclusion and practicing a religion
  - 1.2.5 Careers advice, guidance, and information
  - 1.2.6 Academic and employability skills development
  - 1.2.7 Support to navigate the complaints process when raising an issue in the academic or Placement setting.

HEFCW works with institutions and HEIW to ensure that both organisations take a joined-up approach to health education provision and issues impacting on students. HEFCW is in the process of trying to establish engagement with Social Care Wales on a similar basis.

**Financial Implications** – There are no additional financial implications as the provision of well-being services and mental health support is included in the contract.

#### **Recommendation 4**

The committee recommends that:

The Welsh Government commits to commissioning an independent evaluation into the impacts of the pandemic on readiness for, and transitions into higher education. This should then help identify any longer-term impacts and what good practice from the pandemic should be mainstreamed into “business as usual” and provide a clear evidence base for future interventions. The findings of this evaluation should be published and used by the Welsh Government and Commission to help inform funding decisions, guidance, and advice.

#### **Response: Accept.**

We accept the need for an evaluation of the sort described in the recommendation and that it should be used to inform policy in the way proposed. We have already commissioned work in this area and wish to see the outcomes of that work to assess whether any further work is required to meet the terms of the recommendation.

The Student Health and Well-being Survey, which takes place every two years, is a robust independent national survey, providing high quality data on the health and well-being of around 120,000 young people aged 11–16 in Wales. It is undertaken as part of the School Health Research Network (SHRN) – a collaboration led by Cardiff University in partnership with the Welsh Government, Public Health Wales, and Cancer Research UK.

The next round of data collection is due to take place from September 2023. Data collected before and since the COVID-19 pandemic provide valuable insight into how young people’s physical and mental health and well-being, social relationships and engagement with school have changed over this period.

In 2020/21 learners preparing for exams and planning to progress to higher education were significantly impacted by the COVID-19 pandemic. In February 2021, universities in Wales were asked to work together to support these learners with the transition into higher education. The Open University and all universities in Wales have received funding from the Welsh Government for the next 3 years (2022-2025) to work collaboratively to develop University Ready so that resources are kept relevant and current to benefit existing and new cohorts of learners.

University Ready is hosted on the Open University’s OpenLearn platform and contains hundreds of unique resources including videos, podcasts, articles, short interactives, and online courses. These resources provide guidance for post-16 learners, their parents, and teachers on making the transition into higher education. The Welsh Government closely monitors progress of the project including reach and impact.

In April 2022, the Welsh Government commissioned an evaluation of the effectiveness of previously allocated COVID-19 related funding for post-16 education and training.

The evaluation will provide evidence on:

- How funding has supported the sector.

- How the post-16 recovery fund has been used in practice.
- Effective approaches to teaching and learning.
- Sector concerns.
- Collaboration across the sector.
- How the funding can support with existing and future challenges so learners can reach their full potential.

The evaluation may provide limited qualitative information on readiness for and transitions into higher education. A final report is due to be published in May 2023.

**Financial Implications** – The evaluation costs are met from the existing budget. Any additional funding requirements will be dependent on the outcome of the evaluation.

### **Recommendation 5**

The committee recommends that:

In the short term, the Welsh Government and HEFCW should work to continue to develop the evidence base around the effectiveness of blended learning and student well-being support and facilitate sharing of good practice across the sector. This work must include the staff and student voice and experience in identifying what works effectively and what does not. HEFCW and then the Commission should continue to publish regular updates to inform evolving good practice in this space.

### **Response – Accept**

HEFCW has monitored universities' use of blended learning through the pandemic and more recently. HEFCW is in the process of commissioning work on the higher education experience, including the use of blended and flexible learning, to understand what higher education looks like post-pandemic. This will provide the Commission with an up-to-date evidence base on which to base policy.

HEFCW has also set expectations that all universities review their student services using the UK-wide Stepchange self-assessment tool. HEFCW monitors universities' progress towards implementing their assessment recommendations.

**Financial Implications** – This work will continue to be supported by existing budget allocations as part of HEFCW's remit.

### **Recommendation 6**

The committee recommends that:

The Welsh Government in conjunction with HEFCW continue to monitor the pressures on providers to provide additional financial support to students who are facing financial hardship. In particular, close attention should be paid to the links between drop out and attainment rates and the need to access financial hardship

support. If providers are struggling to meet demand, the Welsh Government should look to provide further in-year funding to providers.

### **Response – Accept**

We will work with and where necessary direct HEFCW, through our usual processes to take this forward. HEFCW already monitors retention and completion of higher education provision annually and will continue to do so to assess trends.

The Welsh Government is not able to provide an open-ended commitment to provide further in-year funding but has most recently allocated £2.3m of additional funding to HEFCW in January 2023 for health and well-being and financial hardship.

**Financial Implications** – Funding priorities will be considered as part of the budget setting processes with HEFCW and CTER.

### **Recommendation 7**

The committee recommends that:

The Welsh Government when drawing up any cost-of-living support measures must take into account the specific needs and challenges faced by all students, including post-graduate students. In announcing any support, they must make clear how they have addressed these challenges faced by students. In particular, the Welsh Government must consider that some students will not be able to access benefits such as Universal Credit or may not be able to access any UK benefits (such as international students) or face barriers in securing or increasing the number of hours of paid employment (such as post graduate students).

### **Response: Accept**

We work closely with HEFCW to ensure the specific needs of students are considered and regularly impact assess the financial arrangements in place for all cohorts. Statutory student maintenance support amounts are reviewed annually according to policy established as part of the Diamond review. This has led to a 9.4% annual increase for the 23/24 academic year.

While we acknowledge the specific needs and challenges faced by some cohorts of students (such as postgraduates) we must also recognise that we may not be able to address them through student support measures. The needs of postgraduate students for example can be more complex than the student finance regime itself can fully address.

In relation to the Committee's concerns that students are not accessing everything they are entitled to, we work with the Students Loans Company to ensure effective and timely promotion of the available support, targeting specific groups where appropriate.

We also work closely with NASMA Wales (National Association of Student Money Advisors) so that they can ensure students are applying for everything they are entitled to and to direct them to Student Finance Wales hardship processes for student support where appropriate. NASMA act as the conduit between a number of support mechanisms to get funds to students which need it.

**Financial Implications** – Student support costs are reviewed annually and adjusted where necessary.

### **Recommendation 8**

The committee recommends that:

That the Welsh Government provides us with regular information and any available data on the roll-out of the whole-system approach in pre-16 education. This information should be provided twice a year and should provide us with the information to understand the impact the roll out is having on children and young people's emotional and mental well-being, as well as the extent to which it is building resilience.

### **Response – Accept in part.**

We have recently agreed our governance and reporting arrangements for the Whole School Approach (the education aspect of the wider NEST/NYTH whole system approach) and the first meeting of the new Oversight and Delivery Board -jointly convened by the Minister for Education and Welsh Language and Deputy Minister for Mental Health and Well-being - will take place in May. The CYPE chair has been invited to join this board. The new board will have a specific focus on ensuring implementation of our statutory whole school approach guidance published in March 2021 and the associated work which supports its implementation including establishment of CAMHS school in reach, implementation and use by schools of the statutory guidance, improving and extending school and community-based counselling, and the well-being of the school workforce.

We accept the recommendation in part as follows. We accept the recommendation to provide regular information and any available data on the roll-out of the whole-system approach in pre-16 education. We do not however believe that a twice yearly report will be most useful, and suggest that a single annual report covering the academic year is more beneficial, with the first such report (covering the academic year 2022-23) being provided in late 2023/early 2024. However, we are still content for the Chair to join the board (or indeed to attend as an observer), should the committee find this helpful.

**Financial Implications** – None

### **Recommendation 9**

The committee recommends that:

The Welsh Government, in conjunction with HEFCW and the new Commission should commission work looking at good practice on educational transitions from compulsory to post compulsory education across the world. This work should identify good practice which would translate to the Welsh sector, it should be published and used to inform future policy in this important area.

**Response: Accept**

The transitions from compulsory to post-compulsory education and through different parts of the post-compulsory education system are clearly of vital importance for the well-being and mental health of students. Our work is already informed by practice from elsewhere as well as from within Wales. HEFCW has commissioned and already published over 70 [good practice case studies on well-being and health in HE in Wales, several of which address the challenges faced during transitions between stages of education.](#)

We accept that further understanding, research, and dissemination of good practice is critical to improving practice in this area. It will however be for the Commission, building on work funded by HEFCW in recent years, to decide precisely how this should be done, as part of its wider responsibilities working with providers in this policy area.

Every part of the education system is responsible for ensuring the successful progression and transition of learners, and this requires providing a co-ordinated and comprehensive approach to the provision of personal advice, guidance, support and impartial career planning. Working with the Commission, Careers Wales, and our post-16 providers we will ensure that all learners at 16 entering post-16 education and training have pathways that meet their personal needs, learning interests, aspirations and health and well-being.

**Financial Implications** – These will be part of the future budget considerations for HEFCW and CTER

## **Recommendation 10**

The committee recommends that:

The Welsh Government outlines to the Committee how it will take forward the recommendation from the post-16 education sector to consider ways universities can work with local post-16 colleges / schools to support learner mental health in advance of the transition to higher education.

### **Response: Accept**

The Committee is asked to note the response to recommendation 4 which outlines the work already underway to support learner transition and the evaluation report which is due to be published in May 2023.

The Commission will have a strategic duty to promote lifelong learning, civic mission, participation in tertiary education, equality of opportunity.

HEFCW has funded [the Reaching Wider Programme](#) since 2002/03, a Wales-wide collaborative widening access programme led by higher education providers, working with schools, colleges, and in community settings.

The Welsh Government is funding a Wales-wide Reaching Wider mentoring project with undergraduate mentors in schools and colleges offering English and Welsh support.

HEFCW has aligned the Reaching Wider Programme with the Curriculum for Wales purposes and will take account of the Welsh Government roadmap as set out in [Our](#)



[national mission | GOV.WALES](#). HEFCW has also published an all-age widening access position statement and has published its priorities.

**Financial Implications** – This is met from existing budget allocations and would form part of future budget planning considerations.

### **Recommendation 11**

The committee recommends that:

The Welsh Government provide the Committee with details of the new cross sector policy advisory group on mental health in tertiary education, including the terms of reference and membership, and how it will help inform the work of the Commission as this becomes established. An annual update on the work of the Group should be provided to the Committee.

#### **Response: Accept**

An advisory group for Mental Health in FE and HE, chaired by the Deputy Minister for Mental Health and Well-being, has been established bringing together professionals across both tertiary and health sectors to ensure a more integrated approach. The terms of reference are attached at annex A.

The group's purpose is to identify and support implementation of ways which improve access to mental health services by post-16 students and ensure institutions have consistent and accessible resources to support prevention and/or early intervention.

The group has been established for six months where it will be reviewed to consider the effectiveness of the approach and whether there is a need for it to continue.

Ben Lewis, Director of Student Life at Cardiff University and an advisory board member, has been commissioned as a specialist policy advisor to deliver on three key workstreams with a deadline of October 2023.

**Financial Implications** – The cost of commissioning a specialist policy advisor is covered under departmental budget.

### **Recommendation 12**

The committee recommends that:

That the Welsh Government and HEFCW update the Committee with details of where the additional funding for the Post 16 and Transition Project funding has been allocated. The evaluation of the effectiveness of the expenditure and any lessons learnt or good practice that will be shared across the sector should be made available to the Committee as soon as possible.

#### **Response: Accept**

HEFCW was awarded £600k to deliver a mentoring programme to benefit learners in sixth forms and further education institutions across Wales during the 2022/23 academic year.

Mentoring creates near-peer relationships where proximity between mentor and mentee allows mentees to broaden their horizons; it creates tangible links with university role models, narrowing the gap between post-16 education and higher education, easing transition, and breaking down barriers.

In November 2022, HEFCW awarded a £600k grant to the University of Bangor, as lead partner of the North and Mid Wales Reaching Wider Partnership, to work collaboratively with all the Reaching Wider Partnerships across Wales and their partners, including schools and colleges, and [Brightside Mentoring](#) to develop and deliver a pilot English and Welsh medium mentoring project.

As of 31 March 2023, 132 mentors had been recruited from across Wales including Welsh language mentors recruited with support and training from the Coleg Cymraeg Cenedlaethol. This has enabled 232 mentees to access the Brightside Platform and undertake conversations with mentors.

Additional [funding of £2.3m has been allocated to HEFCW](#) this year to extend the support provided through institutions health and well-being strategies. Recognising how financial pressures and worries impact mental health, HEFCW were asked to prioritise funding on developing and promoting financial services and advice and to work collaboratively with students' unions in reviewing the support provided.

Unlike in England, since 2019 all our universities have well-being and health strategies and suicide safer strategies. HEFCW monitors these strategies to ensure they remain relevant and fit for purpose.

All Welsh universities have adopted the Universities UK Step change: mentally healthy universities and Suicide-Safer Universities frameworks [and HEFCW monitor their continued alignment with these frameworks.](#)

HEFCW will submit an end of project evaluation report to the Welsh Government in autumn 2023.

**Financial Implications** – There are currently no additional financial implications as there is provision in existing budgets.

### **Recommendation 13.**

The committee recommends that:

That the Welsh Government ensures that the Commission prioritises the establishment of a whole system approach to mental health and well-being across the post 16 education sector. In doing this, that the Welsh Government and then the Commission keeps the Committee updated on a regular basis (at least annually) on progress in embedding this approach across the sector.

### **Response – Accept in part**

The Welsh Ministers are required under the Tertiary Education and Research (Wales) Act 2022 to publish a Statement of Priorities setting out key expectations for the Commission and the tertiary sector. The contents of the first statement of the Welsh Government's high-level expectations of the Commission are currently under

consideration but as the committee is aware student mental health and well-being is a key ministerial priority.

We accept the recommendation in part as follows. We accept that there is a need to prioritise mental health and well-being across the post-16 sector. We do not accept that a whole system approach can necessarily be adopted for post-16 in the same way as for pre-16. There are a number of differences between the pre- and post-16 education sectors which may affect how a 'whole-system' approach may be established, including the relative autonomy of institutions, the statutory responsibilities of institutions to children and adults respectively, and the manner in which different education providers are funded. Consideration will also need to be given to how the UK-wide 'Stepchange' framework, which has been adopted by all Welsh universities, would fit alongside this.

Notwithstanding this, the cross-sector policy advisory group on mental health in tertiary education established by the Deputy Minister for Mental Health and Well-being will specifically consider the ways in which a whole-system approach to mental health could work within the tertiary education sector and we will of course keep the committee updated on the development of this work.

**Financial Implications** – None

#### **Recommendation 14.**

The committee recommends that:

In developing the supporting student welfare registration condition, the Welsh Government, the Commission, and Higher Education sector collaborate to explore how institutions can support students to disclose any mental health conditions. This may reflect examples of existing practice in providing multiple opportunities through the application, induction and welcome process for students to declare an existing mental health condition.

#### **Response – Accept in principle**

As the Committee will be aware from its scrutiny of the Tertiary Education and Research Act [TER Act], the new registration condition will be developed by the Commission and the Welsh Government has no statutory role in that. The Commission is required to consult with tertiary education providers in developing it. The Welsh Government accepts the Committee's view that there is existing good practice amongst providers which can be drawn upon in doing so, as the recommendation suggests. We will carefully consider the importance of student welfare, as a key ministerial priority, in preparing the Statement of Priorities.

**Financial Implications** – Costs will need to be considered by the Commission as part of its budget allocation.

#### **Recommendation 15**

The committee recommends that:

The Welsh Government ensures that the Commission prioritises the development of a common framework for mental health support across the higher education sector. The Commission must ensure it engages with all key partners, but particularly students, in developing this framework. This framework should set out a baseline but be flexible enough to enable institutions to design services that takes account of their own specific contexts and the specific needs of their students. It should also reflect and complement any wider work on mental health support in the post 16-sector more broadly.

**Response: Accept**

The new registration and funding conditions will require the Commission to set out clear expectations for universities and colleges regarding the effectiveness of their policies, services, and processes for supporting and promoting student and staff well-being, welfare, and safety. We anticipate that the new registration and funding conditions will cover many of the matters raised in the Committee's report, as well as building upon the Stepchange framework and the current expectations of higher education providers set out by HEFCW. Combined with the relevant issuing of guidance and best practice to providers, this work will effectively constitute a common framework for mental health support across the tertiary education sector, developed in partnership with key stakeholders. It will be for the Commission to consider those elements of the recommendation that relate to how this is developed and implemented.

**Financial Implications** – Costs will need to be considered by the Commission as part of budget allocations.

**Recommendation 16**

The committee recommends that:

The Welsh Government in establishing the Commission's role and remit makes explicit the role the Commission must play in sharing and pro-actively disseminating best practice in mental health support across the higher education sector. In delivering on this the Commission must ensure that good practice remains up to date and reflects the most recent developments in this area

**Response: Accept**

We anticipate that the collection and dissemination of good practice within the sector will be a vital part of the Commission's work in delivering the new registration and funding conditions and fulfilling the Commission's wider duties as set out in Part 1 of the Act. The Commission will have a duty on it to promote equality of opportunity and student welfare. Mental health is part of the disability protected characteristic under the Equality Act 2010.

The Welsh Ministers are required under the Tertiary Education and Research (Wales) Act 2022 to publish a Statement of Priorities setting out key expectations for the Commission and the tertiary sector. The contents of the first statement of the Welsh Government's high-level expectations of the Commission in this area is being actively considered and further information will be provided to the Committee as this work progresses.

The Commission's work will build on work HEFCW has already done in promoting good practice and sharing approaches such as the Stepchange framework and case studies listed under our response to Recommendation 9.

**Financial Implications** - Any costs will need to be considered by the Commission as part of its wider programme and budget allocations.

### **Recommendation 17**

The committee recommends that:

The Welsh Government should undertake a realistic assessment of the funding levels needed to deliver effective, timely and student need driven support services. Once this is done, the Welsh Government should ensure that sufficient funding is provided to HEFCW, and through NHS budgets to support education and healthcare providers to deliver effective student mental well-being support. Sufficient funding should ensure that effective support is available to all students when needed and meets the needs of all sections of the student community.

**Response:** Reject

We agree with the committee on the importance of adequately funded services.

The recommendation is rejected simply for the reason that the Commission has been specifically established by the Senedd to fund tertiary education. It will be an arm's-length body with a substantial budget provided to it by Welsh Government to meet its overall strategic aims. It will be responsible for providing appropriate funding for school sixth forms, further education, adult community-based learning, apprenticeships, research and innovation, and higher education. We expect that the Commission will continually assess the appropriate funding required by institutions to provide services and will be well placed to liaise with health boards and Welsh Government to ensure that sufficient overall service levels for mental health support are maintained.

**Financial Implications** - Any additional costs will be met from existing programme budgets.

### **Recommendation 18**

The committee recommends that:

The Welsh Government should move towards longer term funding for mental health support and should encourage the Commission to continue the approach taken by HEFCW in providing more longer-term funding commitments. The Welsh Government and then the Commission should make clear their intention to maintain an annual funding allocation targeted at mental health support and commit to the current levels of annual funding as a minimum for future budget rounds to enable higher education providers to plan their services more confidently in a long-term and sustainable manner.

**Response:** Accept in Principle

Welsh Government remit letters to HEFCW have ringfenced £2m a year for mental health and well-being and HEFCW has committed to long-term funding in this area.

We will publish a Statement of Priorities setting out key expectations for the Commission and the tertiary sector. The contents of the first statement of the Welsh Government's high-level expectations of the Commission are currently under consideration but as the committee is aware student mental health and well-being is a key ministerial priority.

The Commission is also subject to significant statutory duties to promote learner welfare and is also subject to duties under the Well-being of Future Generations Act which reflect the principles which the committee highlight in the recommendation.

**Financial Implications** – Any costs will need to be considered by the Commission as part of its wider programme and budget allocations.

### **Recommendation 19**

The committee recommends that:

The Welsh Government and the incoming Commission work with higher education institutions in a social partnership model to ensure that working conditions, including terms and conditions of employment, do not undermine staff in providing effective support to students.

#### **Response: Accept**

The Commission is under a duty to promote collaboration between tertiary education providers in Wales and relevant trade unions. The Social Partnership and Procurement Bill will also commit the Welsh Government and public bodies, including the Commission, to active engagement with their recognised trade unions or other staff representatives as genuine partners in the setting and pursuit of well-being objectives. The Commission is also required to have at least two representatives of the tertiary education and research workforce as associate members on its board. However, the Commission will not have powers to set out requirements regarding terms of conditions of employment in the higher education sector, which are agreed nationally between unions and employer representatives.

**Financial Implications** - None

### **Recommendation 20**

The committee recommends that:

The Welsh Government works with HEFCW, the incoming Commission and the wider sector to encourage providers to provide meaningful mental health training for staff that takes account of the individual institutions' context and its student body. Such training should empower staff to provide appropriate support, including details of the support that can be provided by the institution and other local partners to enable effective signposting where appropriate. The Welsh Government should encourage all providers to ensure that such training is accessible to all staff, both academic and support staff, and to those providing services that have been

contracted out by the institution. In offering such training, providers should ensure protected time for staff to attend training.

**Response: Accept in principle**

The Welsh Government acknowledges that the provision of mental health training for sector staff could be an important means to improving mental health support and signposting within institutions. [HEFCW provides funding to support staff mental health training](#) and universities report to HEFCW on delivery of staff training.

We accept the recommendation that the Welsh Government should encourage providers to provide meaningful mental health training for staff that takes account of the individual institutions' context and its student body.

It will be for the Commission to consider those elements of the recommendation that relate to its own role and we anticipate it will give careful consideration to supporting staff training in discharging its duties in relation to promoting learner welfare.

**Financial Implications – None**

**Recommendation 21**

The committee recommends that:

The Welsh Government provides further funding to HEFCW and then the Commission to support the widening of mental health support to students through the Welsh language. This funding should be an on-going commitment to ensure longevity of Welsh language support.

**Response: Accept**

HEFCW continues to fund the [Myf.Cymru project](#), a mental health and well-being resource aimed at Welsh-speaking higher education students studying in Wales and beyond. These resources are accessible by all Welsh speaking students wherever they are studying even in England.

HEFCW has funded Welsh medium resources [Ynglŷn â Student Space](#). Student Space is safe, confidential, and free. It has been developed collaboratively with services, higher education professionals, researchers and students to complement the existing services available to students.

**Financial Implications – Any additional costs will be drawn from existing budget allocations.**

**Recommendation 22.**

The committee recommends that:

The Welsh Government works with HEFCW, the incoming Commission and the wider sector to encourage all higher education providers to deliver meaningful mental health training for students within their first year of study. This training should be delivered in a range of methods that ensures it is accessible to all students and

should be made available at a range of points throughout the first year. The Welsh Government should encourage providers to ensure all students have the opportunity to access this training.

**Response: Accept in principle**

The Welsh Government acknowledges that the provision of mental health training for students could be an important means to improving mental health support and signposting within institutions. Universities provide a range of mental health training for students throughout their studies, including in their first year, working with a variety of organisations.

We accept the recommendation that the Welsh Government should encourage providers to provide meaningful mental health training for students. It will be for the Commission to consider those elements of the recommendation that relate to its own role and we anticipate it will give careful consideration to student training in discharging its duties in relation to promoting learner welfare.

**Financial Implications – None**

**Recommendation 23.**

The committee recommends that:

The Welsh Government starts scoping work with the NHS and higher education sector on the development of a shared understanding of the roles and responsibilities across healthcare and education for student mental well-being. This must encompass agreement on thresholds, language and definitions. Once the Commission is established, they should take lead responsibility for continuing the work and ensuring it remains up to date and reflects current practice.

**Response: Accept in principle**

Information on Local Health Board (LHB) services, and national mental health support services are available on individual LHB websites and national websites such as NHS111. Through the ministerial boards which have been established to oversee the delivery of a whole system approach to mental health provision in education, we will explore how this information can be adapted and shared to assist education providers and students to access services. The Commission will be well positioned to develop a shared understanding of education providers' roles and responsibilities alongside this.

**Financial Implications** - Any additional costs will be met from existing programme budgets.

**Recommendation 24.**

The committee recommends that:



Welsh Government in its first remit letter to the Commission asks the Commission to take the lead in establishing effective data sharing protocols between higher education providers and the NHS in relation to mental well-being.

**Response: Accept in principle.**

The sector and NHS providers are already exploring opportunities for greater sharing of information, data, and best practice through the Mental Health University Liaison Service pilot in Cardiff. We anticipate that the Commission will be well placed to build upon this work, in conjunction with providers, Welsh Government, and health boards, though this will need to take account of the parameters allowed by data protection legislation.

**Financial Implications** – Any additional costs will be met from existing programme budgets.

**Recommendation 25.**

The committee recommends that:

The Welsh Government, HEFCW and the incoming Commission should build on the learning and evaluation from the Mental Health University Liaison Service in Cardiff and start planning for a full roll-out of this model across Wales. As part of this planning, long term funding should be committed to support full roll-out, development and maintenance of this model across Wales.

**Response: Accept in principle**

This is already underway. In order to support the Welsh Government's commitment to partnership working in this area HEFCW has provided £600k to the South-East Wales Mental Health Partnership to pilot the Mental Health University Liaison Service (MHULS) in 2019/20.

The model which has been developed is one which we and HEFCW support and would like to see used more extensively. We commissioned work on how to roll this out more widely and HEFCW has now started its planning to support the development of this model across Wales, taking account of the project evaluation outcomes and the options appraisal submitted to it. This includes exploration of the challenges and resources needed to create a Wales-wide approach that recognises differences of geography and of relationships between HE providers and health boards.

The recommendation is accepted in principle as we recognise that extending the partnership nationally would require an additional, long-term funding commitment extending beyond its period of operation and into that of the Commission.

**Financial Implications** – Cost implications will continue to be assessed. Further advice will need to follow in relation to how the commission would continue this work.

**Recommendation 26.**

The committee recommends that:

The Welsh Government in the next iteration of the Mental Health Strategy and any accompanying action plans must ensure that the position of students is being considered, and opportunities are identified to address the strategic and policy gap in bringing together the healthcare and education providers.

**Response: Accept**

The next iteration of the Mental Health Strategy for Wales and accompanying guidance will consider the needs of everyone with continued focus on universal access and equity of care. A Ministerial Task and Finish Group has been established to consider mental health support in post-16 education which will be used to inform the development of the strategy alongside robust stakeholder engagement which will provide the opportunity for everyone, including students and education providers to influence the strategy.

**Financial Implications** - This will be considered as part of the development of the Mental Health Strategy for Wales.

**Recommendation 27.**

The committee recommends that:

The Welsh Government provides annual updates or where there are significant developments to the Committee on the performance of Betsi Cadwaladr University Health Board as it relates to mental health support to children, young people and any higher education students within the Health Board area.

**Response: Reject**

The Welsh Government provides regular updates on the performance of all health boards in Wales against targets specified in the Mental Health Measure and as part of the development of the core mental health dataset we will be expanding this available information.

Betsi Cadwaladr University Health Board has been escalated to special measures in February 2023 following serious concerns around leadership, culture and governance amongst others. These are serious issues that are prevalent across the organisation including those areas responsible for mental health support to children, young people and higher education students. The Special Measures escalation results in additional scrutiny and oversight from the Welsh Government and the newly formed NHS Executive. As part of this oversight there will be a number of reports and updates that will incorporate mental health.

**Financial Implications** - None.

**Recommendation 28.**

The committee recommends that:

The Welsh Government explores the feasibility of a common approach to GP registration across Wales with a view to standardising how this is done across Wales. As part of this study, the feasibility of introducing online GP registration must

be considered. The findings of such a feasibility study should be reported back to the Committee when completed and should be made publicly available.

**Response: Accept in principle**

The Welsh Government is supportive of the view that registering with a GP should be as straightforward as possible and that this process should be consistent across Wales to ensure equity of access. In Wales (and England) there is currently a standard GMS1 form to complete the registration process with a practice.

As part of our ongoing delivery of the Programme for Government commitment of better access to doctors, nurses, dentists, and other health professionals, we will continue to promote key messages around GP registration, including:

- anyone in Wales can register with a GP for treatment;
- it is not necessary to have a fixed address or identification to register;
- anyone who is registered with a GP can get free prescriptions; and
- anyone who needs an interpreter has the right to request one at no cost to themselves. The GP practice has a duty to provide a translator and telephone translation services are available in all GP practices.

Last autumn, our public-facing ‘Help Us Help You’ campaign targeted messages around how to register with a GP to students arriving at universities in Wales, reaching over 30,000 students over the induction period. This engagement activity also emphasised how to access mental health support.

We are aware of the NHS England work programme to introduce an opt-in online registration option for GP practices and will look to take learning from this. Any future online registration process in Wales will need to be considered in the wider context of existing GMS Access Standards and digital access tools. We will be commissioning further research on access needs of people in Wales during 2023-24 and will consider the benefits of online registration as part of this research project. We will share the research report with the committee when available.

**Financial Implications** - Further research on access needs will have a financial cost. This has been approved as part of the 2023-24 Primary Care Development budget.

**Recommendation 29**

The committee recommends that:

The Welsh Government provides the Committee with regular updates on the implementation of the GP to GP Project. These updates should be provided annually as a minimum.

**Response: Accept in principle.**

The GP to GP Project is led by DHCW. However, the Welsh Government will liaise with DHCW to bring forward regular updates on the project and these will be at least annually.

**Financial Implications – None**

### **Recommendation 30**

The committee recommends that:

The Welsh Government explores the feasibility of establishing a student passport which would enable students to share their healthcare information more easily, and would help mitigate some of the specific challenges faced by a highly mobile population. As part of this feasibility work, a pilot should be supported, with a view to rolling it out across Wales if the pilot is successful.

#### **Response: Accept in principle**

The GP to GP project will facilitate a more streamlined approach to transporting mental health information between places of residence. Additionally, the Welsh Government's transitions guidance states that young people who are transitioning from children's to adult services (including mental health) should be provided with a transition and handover plan (also known as a 'Young Persons Passport' in CAMHS services) for young people moving between services so that their pathway between services is clear and all of the necessary information is there for service providers to access – it also prevents young people from having to tell their story twice. The Welsh Government is currently working with Mental Health services to embed the transitions guidance into practice and ensure that these principles are being adopted as best practice.

The National Data Resource (NDR) is the single health record that brings together segregated data into one place. The NHS Wales App (and website) can be used to surface this data to the citizens of Wales, allowing them to share with relevant parties where appropriate. The Welsh Government will review how the app can be promoted, and adapted where necessary so it can be used effectively within mental health services.

As part of this work we will investigate the synergies between the Welsh Government's transitions guidance which promotes the use of a transition and handover plan (also known as a 'Young Persons Passport' in CAMHS services) for young people moving between children's and adults services so that their pathway between services is clear and all of the necessary information is there for service providers to access – it also prevents young people from having to tell their story twice.

**Financial Implications - None**

### **Recommendation 31**

The committee recommends that:

The Welsh Government outline in the response to this report whether Health Boards by April 2023 have made the significant improvement expected of them on CAMHS waiting times. If Health Boards have not made the improvements, the Welsh Government should outline what steps will be taken to ensure the necessary improvements are made.

#### **Response: Accept**

Meeting CAMHS waiting times continues to be a challenge and services reports patients with more complexity and acuity, and workforce pressures. Despite these pressures, and following additional funding, health boards are making progress. Latest published data for February 2023 show over 90% on the current waiting list for specialist CAMHS services were seen within 28 days of referral. Due to the variation in performance, we commissioned the NHS Delivery Unit (now part of the Executive) to undertake a review of CAMHS. All health boards have now received individual reports and will be developing improvement plans. The NHS Executive is also working with health boards to develop new performance trajectories to either sustain or improve current performance.

**Financial Implications** - An additional £5m has been made available in 2023/24 via the Service Improvement Fund across mental health services which will support improvements in this area.

### **Recommendation 32**

The committee recommends that:

The Welsh Government provide an update in response to this report about the work being done to improve the mental health core dataset including: when the work will be completed, when the new data will start to be collected, and how it will be published. As part of this, the Welsh Government should indicate whether the changes will ensure that data is collected on follow-up appointments. If not, the Welsh Government should indicate how performance on follow up appointments is managed and monitored by Health Board and the Welsh Government, and how they envisage the Senedd being able to scrutinise on this issue.

#### **Response: Accept in principle**

A key area of work is the strengthening of mental health data. This is being taken forward in several areas and crucially as new services are established.

The mental health core dataset work continues to be taken through the Mental Health Data and Outcomes Measures Board which reports to the Together for Mental Health Ministerial Oversight Board. To further support this work a Technical Group has been set up and reports to the Mental Health Outcome and Measures Board. This group

comprises of health board digital/performance leads and is focusing on the practicalities of collecting and sharing data.

It is recognised that establishing a full dataset is complex and we are prioritising specific data items at each stage to ensure that any data collected is robust and fit for purpose, with the initial focus being on referrals and admissions data. We will also be prioritising demographic data, such as age, gender and ethnicity which will support our ability to plan services based on the needs and demands of our population.

We understand the need to have data publicly available as soon as practicable and we are working towards having an initial national dashboard on mental health activity available by September, we will then broaden this available data incrementally as the core dataset evolves. By December, we will also collect an agreed set of patient experience measures nationally.

We will update the Committee in due course on the date for publication and the frequency of publication.

**Financial Implications – None**

### **Recommendation 33.**

The committee recommends that:

The Welsh Government commits to implementation of all the recommendations in Mind Cymru's Sort the Switch report, and to report regularly on progress in implementing this recommendation.

### **Response: Reject**

The Welsh Government cannot accept this recommendation on the basis that not all the Sort the Switch recommendations directly align with the programme of work which is underway to improve transition services following recent reviews. We can assure the Committee that we have considered the recommendations in the Sort the Switch Report but we have done so alongside our own transition review which included direct engagement with young people as well as other evidence which also needs to be taken account of. MIND Cymru continue to be engaged as part of this process. A more detailed reply is being prepared for the Committee on this matter and in response to the letter which followed a focussed scrutiny session on this important matter.

**Financial Implications - None.**

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